shaft disposed within said sleeve and movable relative to said sleeve; and
a securing member disposed on said outer shaft, wherein said securing member is a fork-shaped element having at least one prong,
wherein said prosthesis is housed within said sleeve and said prosthesis is secured to said outer shaft by said securing member.

Please add new claims 39-41 as follows:

39. (New) A device for the delivery of an intraluminal prosthesis, comprising:
an elongated sleeve having a proximal end and a distal area with a distal end;
an outer shaft having a proximal end and a distal area with a distal end, said outer shaft disposed within said sleeve and movable relative to said sleeve; and
a securing member disposed on said outer shaft,
wherein said prosthesis is housed within said sleeve and said prosthesis is secured to said outer shaft by said securing member, and wherein said intraluminal prosethesis is a stent.

40. (New) The device of claim 39, wherein said device is a delivery catheter for the placement of said stent in a blood vessel.

41. (New) The device of claim 39, wherein said stent is a self-expanding stent.

I. REMARKS

Reconsideration of the application in view of the above amendments and the following remarks is respectfully requested.

Claims 1-38 were pending in the application. Claims 20-38 were withdrawn from consideration in response to a restriction requirement. The Examiner rejected claims 1, 3-5, 13, 14, 18 and 19. The Examiner stated that claims 2, 6-12, and 15-17 would be allowable if rewritten to include the limitations of the claims upon which they depend. Applicants thank the Examiner for indicating allowance of claims 2, 6-12, and 15-17.

Applicant has cancelled claims 1, 3-5, 13, 14, 18 and 19 and amended claims 2, 6 and 15. Applicant has added new claims 39-41. Therefore, claims 2, 6-12, 15-17 and 39-41 are now pending in the application.

No new matter has been added by the claim amendments or the new claims. The amended claims are originally presented claims rewritten to generally include limitations of certain claims upon which they depended. Support for the new claims is as follows. New claim 39 is originally presented claim 1 with the additional limitation that the prosethesis being delivered by the claimed device is a stent. Support for this limitation is found throughout the specification. See, for example, the section titled "Summary of the Invention." See, also, page 4, ll. 16, et seq. The subject matter of claims 40 and 41 is the same as that of original claims 13 and 14.

The above claim amendments are made without prejudice and, largely, to expedite prosecution. Applicant explicitly reserves the right to pursue in a later application claims having equivalent, greater, or lesser scope as the originally drafted claims (*i.e.*, prior to amendment) and the canceled claims.

CLAIM REJECTIONS UNDER 35 U.S.C. § 102(b)

The Examiner rejected claims 1, 3-5, 13, 14, 18 and 19 under 35 U.S.C. 102(b) as being anticipated by Palermo et al. (USPN 5,800,455). This claim rejection is rendered moot by cancellation of the rejected claims. Nevertheless, Applicant offers the following arguments to traverse the rejection.

Applicant respectfully submits that Palermo does not anticipate under § 102 because it does not disclose every limitation of the claimed invention. For a prior art reference to anticipate under 35 U.S.C. § 102, every element of the claimed invention must be identically shown in a single reference. These elements must be arranged as in the claims under review. In re Bond, 910 F.2d 831, 832 (Fed. Cir. 1990).

All of the pending claims included the following express limitation contained in claim 1: "an outer shaft having a proximal end and a distal area with a distal end, said outer shaft disposed within said sleeve and movable relative to said sleeve." Palermo, which is directed to a detachable emobolical coil assembly, does not disclose such an outer shaft. The Examiner states that Palermo discloses an outer shaft at 118. Applicant respectfully disagrees. The element 118 in Palermo is a pusher assembly for the emobolical coil and cannot be characterized as a shaft. The pusher assembly is little more than two interlocking members to hold the coil. Because Palermo does not provide "an outer shaft," Chow Palermo fails to

B

disclose the preceding limitation and, therefore, does not anticipate any of the claims that were pending.

Additionally, Palermo does not disclose an inner shaft movable relative to the outer shaft. Applicant disagrees with the Examiner's characterization of the control wire 106 as the inner shaft. See col. 5, lines 14-15. In any event, nothing in Palermo teaches or suggests that the control wire 106 is movable relative to the pusher assemble 118.

Thus, clearly Palermo does not anticipate the invention claimed in the originally filed claims.

As to the amended claims, the prior art does not disclose an atruamatic tip included in a delivery device as claimed by Applicant. New claim 39 and the claims dependent thereon are patentable over Palermo because claim 39 explicitly defines the intraluminal prosethesis to be a stent. The only prosethesis described in Palermo is an embolic coil, which bears no resemblance, either in form or function, to a stent.

Applicant respectfully submits that, for the foregoing reasons, the amended and new claims now pending are allowable over the prior art. A notice of allowance is, therefore, respectfully requested.

THE REST OF THIS PAGE IS LEFT INTENTIONALLY BLANK.

II. FEES DUE TO FILE THIS AMENDMENT

When this application was filed, a fee was paid for a total of 38 claims, with four (4) of them being independent claims. The above amendment has resulted in there being a total of 14 claims, with three of them being independent claims. Thus, no fee is believed to be due to file this amendment.

III. PETITION FOR EXTENSION OF TIME TO RESPOND

Pursuant to 37 C.F.R. 1.136(a), Applicants hereby request an extension of time for **Two Months** to respond to the above-referenced Office Action. The Commissioner is hereby authorized to charge the required fee of $410.00 to Deposit Account No. 50-1225 (VAS-5588DIV). A duplicate copy of this sheet is enclosed.

IV. CONCLUSION

Accordingly, in view of the above amendments and remarks, it is submitted that this application is now ready for allowance. Early notice to this effect is solicited. If in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned at (949) 250-6801.

If an appropriate payment does not accompany or precede this submission, the Commissioner is hereby authorized to charge any required fees, such as under 37 C.F.R. §§ 1.16 or 1.17, including any petition for extension of time, or to credit any overpayment, to Deposit Account No. 50-1225.

Dated: February 3, 2003

Respectfully submitted,

Edwards Lifesciences LLC

By _____

Rajiv Yadav, Ph.D., Esq.
Registration No. 43,999
Edwards Lifesciences LLC
Law Department
One Edwards Way
Irvine, California 92614
Telephone: (949) 250-6801
Facsimile: (949) 250-6850

Customer No. 30452

B

V. APPENDIX A

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION:

The following section has been added before the paragraph beginning on page 1, line 3:

Related Application Data

This application is a divisional application of U.S. Patent Application Serial No. 09/503,618, filed February 11, 2000, now United States Patent No. 6,344,044.

IN THE CLAIMS:

Claims 1, 3-5, 13, 14, 18 and 19 have been canceled.

The claims have been amended as follows:

2. (Amended) [The device according to claim 1, further comprising:] A device for delivery of an intraluminal prosthesis, comprising:
an elongated sleeve having a proximal end and a distal area with a distal end;
an outer shaft having a proximal end and a distal area with a distal end, said outer shaft disposed within said sleeve and movable relative to said sleeve;
a securing member disposed on said outer shaft;
an inner shaft with a proximal end and a distal end, said inner shaft disposed within said outer shaft and movable relative to said outer shaft; and
an atraumatic tip disposed at said distal end of said inner shaft,[said atraumatic tip having at least one side port for bleeding contrast medium adjacent to a side region of said atraumatic tip.] wherein said prosthesis is housed within said sleeve and said prosthesis is secured to said outer shaft by said securing member.

6. (Amended) The device according to claim [5] 2, further comprising a hand piece having a lever arm coupled to said sleeve, wherein actuation of said lever incrementally and precisely drives said sleeve in a proximal direction relative to

B

said outer shaft[.] , and

wherein said prosthesis is in a contracted condition within said distal area of said sleeve, whereby relative longitudinal motion between said sleeve and said outer shaft exposes said prosthesis and allows the exposed portion of said prosthesis to radially expand, and wherein said sleeve is slidingly movable in a proximal direction relative to said outer shaft to expose said prosthesis, and wherein said prosthesis remains secured to said outer shaft by said securing member when said prosthesis is fully exposed, and wherein relative longitudinal motion between said outer shaft and said inner shaft releases said securing member from said prosthesis.

15. (Amended) [The device according to claim 1, wherein said securing member is a fork-shaped element having at least one prong.] A device for the delivery of an intraluminal prosthesis, comprising:

an elongated sleeve having a proximal end and a distal area with a distal end;

an outer shaft having a proximal end and a distal area with a distal end, said outer shaft disposed within said sleeve and movable relative to said sleeve; and

a securing member disposed on said outer shaft, wherein said securing member is a fork-shaped element having at least one prong,

wherein said prosthesis is housed within said sleeve and said prosthesis is secured to said outer shaft by said securing member.

Please add new claims 39-41 as follows:

39. (New) A device for the delivery of an intraluminal prosthesis, comprising:

an elongated sleeve having a proximal end and a distal area with a distal end;

an outer shaft having a proximal end and a distal area with a distal end, said outer shaft disposed within said sleeve and movable relative to said sleeve; and

a securing member disposed on said outer shaft,

wherein said prosthesis is housed within said sleeve and said prosthesis is secured to said outer shaft by said securing member, and wherein said intraluminal prosethesis is a stent.

B

40. (New) The device of claim 39, wherein said device is a delivery catheter for the placement of said stent in a blood vessel.

41. (New) The device of claim 39, wherein said stent is a self-expanding stent.

B